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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,972	02/01/2006	**Ian Anderson**	6.70.1065 PCT/IB-US	6290

7590 07/18/2008

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EXAMINER	
MCCALISTER, WILLIAM M	
ART UNIT	PAPER NUMBER
3753	

MAIL DATE	DELIVERY MODE
07/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/536,972	ANDERSON ET AL.	
	Examiner	Art Unit	
	WILLIAM MCCALISTER	3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 May 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-104* is/are pending in the application.

4a) Of the above claim(s) *28-104* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 May 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/20/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Applicant's election **without** traverse of invention I, corresponding to claims 1-27 is acknowledged.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Sieger (DE 3922779).

Regarding claim 1, Sieger discloses a method for filling a bag with an alcohol beverage comprising the steps of:

inflating the bag (as shown in FIG 1) with an inert gas (described at paragraph 11) for the beverage;

filling the inflated bag with the beverage (as shown at FIG 2); and,

venting the inert gas from the bag (as shown at FIG 2).

Regarding claims 2 and 3, absent any showing of criticality, selection of the particular fluids with which the apparatus operates will not be afforded patentable weight.

Regarding claim 4, Sieger discloses the inert gas to be vented from the bag during the step of filling the inflated bag with the beverage (as shown at FIG 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mockesch (US Patent 4,256,150) in view of Sonoco (GB 2210865) and Sieger.

Regarding claims 1-4, Mockesch discloses a method for filling a bag with an alcohol beverage comprising the step of filling a bag with beer (see col. 3 lines 4-6).

Mockesch does not disclose the step of filling the bag with carbon dioxide. However, Sonoco teaches that to avoid spoilage of beer, it was known in the art at the time of invention to pre-inflate the bag with carbon dioxide (see written description page 1 paragraph 2). To avoid spoilage of the beer held by Mockesch's device, it would have obvious to one of ordinary skill in the art to inflate Mockesch's bag with carbon dioxide.

Neither Mockesch nor Sonoco discloses the step of venting carbon dioxide from the bag during the step of filling the bag with beer. However, Sieger teaches that it was known in the art at the time of invention to vent an inert gas from an inflatable bag during the step of filling the inflated bag with a beverage (as shown at FIG 2). To allow the full volume of Mockesch's bag to be utilized for the storage of beer, it would have been obvious to one of ordinary skill in the art at the time of invention to vent the carbon dioxide from the bag during the step of filling the inflated bag with beer.

Regarding claims 5-8, Mockesch discloses a method of filling and dispensing an alcohol beverage from a bag contained in a container, the method comprising the steps of:

filling a bag with beer (see col. 3 lines 4-6), and

applying a gas under pressure into the container against the bag (see col. 3 lines 3-8) to facilitate dispensing of the beverage from the bag

Mockesch does not disclose the step of filling the bag with inert carbon dioxide. However, Sonoco teaches that to avoid spoilage of beer, it was known in the art at the time of invention to pre-inflate the bag with carbon dioxide (see written description page 1 paragraph 2). To avoid spoilage of the beer held by Mockesch's device, it would have obvious to one of ordinary skill in the art to inflate Mockesch's bag with carbon dioxide.

Neither Mockesch nor Sonoco discloses the step of venting carbon dioxide from the bag during the step of filling the bag with beer. However, Sieger teaches that it was known in the art at the time of invention to vent an inert gas from an inflatable bag during the step of filling the inflated bag with a beverage (as shown at FIG 2). To allow the full volume of Mockesch's bag to be utilized for the storage of beer, it would have been obvious to one of ordinary skill in the art at the time of invention to vent the carbon dioxide from the bag during the step of filling the inflated bag with beer.

Regarding claims 9 and 10, Sonoco teaches the step of inflating the bag to a volume corresponding to that of the container, so that the bag is in contact with the inside walls of the container (see written description page 1 paragraph 2 – "It may then be inflated … until it is in intimate contact with the casing").

Regarding claim 11, Mockesch discloses the container (1) to be a beer keg (broadest reasonable interpretation includes a pressurized container for holding beer) that supports the bag relative thereto.

Regarding claims 12-16, Mockesch discloses a method of filling an alcohol beverage into a bag contained in a container, the method comprising the steps of:

filling a bag with beer (see col. 3 lines 4-6), and

applying a gas under pressure into the container against the bag (see col. 3 lines 3-8) to facilitate dispensing of the beverage from the bag

Mockesch does not disclose the step of filling the bag with inert carbon dioxide. However, Sonoco teaches that to avoid spoilage of beer, it was known in the art at the time of invention to pre-inflate the bag with carbon dioxide (see written description page 1 paragraph 2). To avoid spoilage of the beer held by Mockesch's device, it would have obvious to one of ordinary skill in the art to inflate Mockesch's bag with carbon dioxide.

Neither Mockesch nor Sonoco discloses the step of venting carbon dioxide from the bag during the step of filling the bag with beer. However, Sieger teaches that it was known in the art at the time of invention to vent an inert gas from an inflatable bag during the step of filling the inflated bag with a beverage (as shown at FIG 2). To allow the full volume of Mockesch's bag to be utilized for the storage of beer, it would have been obvious to one of ordinary skill in the art at the time of invention to vent the carbon dioxide from the bag during the step of filling the inflated bag with beer.

Neither Mockesch, Sonoco, nor Sieger discloses the step of evacuating the container of air located between the container and the bag during the step of inflating the bag with an inert gas. However, it was common knowledge at the time of invention, that a positive pressure in one direction has the same effect as a negative pressure in the opposite direction. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to inflate Mockesch's bag by creating a vacuum state on the exterior thereof (between the bag and the container), rather that by creating a state of positive pressure differential on the inside thereof.

Regarding claims 17 and 18, see the analysis of claims 9 and 10 above.

Regarding claim 19, see the analysis of claim 11 above.

7. Claims 12-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mockesch (US Patent 4,256,150) in view of Sonoco, Sieger and Pitts (3,527,021).

In the alternative, regarding claims 12 and 13, Mockesch, Sonoco and Sieger disclose the claimed inventions (see analyses above) with exception to the step of evacuating the container of air located between the container and the bag during the step of inflating the bag with an inert gas. However, Pitts teaches that it was known in the art to inflate a bag by creating a vacuum on the exterior thereof. It would have been obvious to one of ordinary skill in the art at the time of invention to fill Mockesch's bag by

creating a negative pressure differential with respect to atmosphere on the exterior thereof, rather than with a positive pressure differential on the interior thereof.

Regarding claims 14-19, see the corresponding analyses under paragraph 6, above.

Regarding claims 20-24, Mockesch discloses a method of filling an alcohol beverage into a bag contained in a container having a valve system mounted with the bag and container, and the valve system has first, second and third valves, the method comprising the step of:

filling a bag with beer through a second valve (10, see col. 2 lines 39-50 and col. 3 lines 4-6).

Mockesch does not disclose the step of inflating the bag with inert carbon dioxide through the second valve. However, Sonoco teaches that to avoid spoilage of beer, it was known in the art at the time of invention to pre-inflate the bag with carbon dioxide (see written description page 1 paragraph 2) through a valve. To avoid spoilage of the beer held by Mockesch's device, it would have obvious to one of ordinary skill in the art to inflate Mockesch's bag with carbon dioxide through a readily available entryway, the second valve (10).

Neither Mockesch nor Sonoco discloses the step of venting carbon dioxide from the bag through a third valve during the step of filling the bag with beer. However, Sieger teaches that it was known in the art at the time of invention to vent an inert gas through a third valve (10) from an inflatable bag during the step of filling the inflated bag

with a beverage (as shown at FIG 2). To allow the full volume of Mockesch's bag to be utilized for the storage of beer, it would have been obvious to one of ordinary skill in the art at the time of invention to vent the carbon dioxide from Mockesch's bag through Sieger's third valve during the step of filling the inflated bag with beer.

Neither Mockesch, Sonoco, nor Sieger discloses the step of evacuating the container, through the first valve, of air located between the container and the bag during the step of inflating the bag with an inert gas. However, Pitts teaches that it was known in the art to inflate a bag by creating a vacuum on the exterior thereof. It would have been obvious to one of ordinary skill in the art at the time of invention to fill Mockesch's bag by creating a negative pressure differential with respect to atmosphere on the exterior thereof, rather than with a positive pressure differential on the interior thereof. Further, because check valves were well known in the art at the time of invention to allow flow in one direction while avoiding a loss of pressure differential, it would have been obvious to one of skill in the art to utilize a check valve for avoiding loss of vacuum pressure in this arrangement.

Regarding claims 25 and 26, see the analysis of claims 17 and 18 above.

Regarding claim 27, see the analysis of claim 19 above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM MCCALISTER whose telephone number is

(571)270-1869. The examiner can normally be reached on Monday through Friday, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William McCalister
Patent Examiner

WMM
7/9/2008

/Timothy L Maust/
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